

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 2:20-cv-2294
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
EIGHT THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$8,100.00) IN UNITED STATES CURRENCY,	:	<u>VERIFIED COMPLAINT FOR FORFEITURE IN REM</u>
	:	
Defendant.	:	

Plaintiff, United States of America, by its undersigned counsel, alleges the following for its action against the defendant in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to enforce 21 U.S.C. § 881(a)(6), which provides for the forfeiture to the United States of:

All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

THE DEFENDANT IN REM

2. The defendant is Eight Thousand One Hundred and 00/100 Dollars (\$8,100.00) in United States Currency. On or about November 6, 2019, the Drug Enforcement Administration (“DEA”) seized the defendant from Jai Barker, following a consensual encounter with him at the John Glenn Columbus International Airport. The defendant has been deposited into the Seized Asset Deposit Fund, where it will remain during the pendency of this action.

JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant under 21 U.S.C. § 881(a)(6). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio.

5. Venue is proper in this district under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio and under 28 U.S.C. § 1395 because the defendant was found in the Southern District of Ohio.

BASIS FOR FORFEITURE

6. The defendant is subject to forfeiture under 21 U.S.C. § 881(a)(6) because it represents property furnished or intended to be furnished in exchange for a controlled substance, represents proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of 21 U.S.C. § 841 or a conspiracy to commit such offense, in violation of 21 U.S.C. § 846.

FACTS

7. On or about November 6, 2019, members of the Columbus, Ohio Airport DEA Group at John Glenn Columbus International Airport (“CMH”) received information regarding the suspicious travel of a passenger identified as Jai Barker (“Barker”).

a. Members of the Columbus, Ohio Airport DEA Group are trained and experienced and know that persons engaged in the commercial interstate

distribution of controlled substances frequently use CMH and the aircraft that arrive and depart there to transport drug sales proceeds, and funds to be used to purchase drugs, in and out of Columbus. Those proceeds and funds are usually in the form of United States currency.

b. Members of the Columbus, Ohio Airport DEA Group are trained and experienced and know that persons engaged in the commercial interstate distribution of controlled substances frequently use couriers to transport controlled substances, drug sales proceeds, and funds to be used to purchase drugs in and out of Columbus. CMH and the aircraft that arrive and depart there are relied upon as a means of sending and receiving such couriers.

c. Members of the Columbus, Ohio Airport DEA Group are trained and experienced in investigating illegal drug and drug currency couriers, and they have learned to observe and detect the behavior, characteristics, and other travel indicators that help them to distinguish suspected illegal drug and drug currency couriers from the normal, non-criminal traveling public.

d. Members of the Columbus, Ohio Airport DEA Group are trained and experienced and know that illegal drug and drug currency couriers often purchase airline tickets within 72 hours of travel.

e. Members of the Columbus, Ohio Airport DEA Group also know that illegal drug and drug currency couriers will often purchase one-way tickets because the date of their return is not immediately known.

f. DEA Task Force Officer Eric Doyle (“TFO Doyle”) is a member of the Columbus, Ohio Airport DEA Group.

8. Based on the information received, the officers learned that on November 6, 2019, at approximately 1:30 a.m., a third party had purchased one-way tickets for Barker and John Dixon (“Dixon”) to travel that same day on American Airlines Flight #2102 from CMH to the Seattle-Tacoma International Airport (SEA), with a layover at the Los Angeles International Airport (LAX).

9. On November 6, 2019, at approximately 3:35 p.m., TFO Doyle and DEA Task Force Office Raul Melo (“TFO Melo”) observed Barker and Dixon at the CMH American Airlines ticketing area. The officers were aware that Flight #2102 was set to begin boarding at approximately 3:30 p.m. and was set to depart at approximately 4:00 p.m. The officers did not observe Barker or Dixon checking any luggage.

10. The officers then moved to the airport’s security screening area. As Barker left the screening area, TFO Doyle approached Barker in a way as not to block his freedom of movement, identified himself as a law enforcement officer, displayed his credentials, advised Barker that he was not in trouble and was free to leave, and asked if he would speak to TFO Doyle about his travel. Barker agreed.

11. TFO Doyle noted that Barker was not carrying any luggage and had only a “fanny-pack” style bag. TFO Doyle explained to Barker that he was speaking to him because of his recent ticket purchase. Barker advised that his girlfriend had booked his ticket and stated only that he was going to “kick it.” When asked what he intended to do for clothing while on his trip, Barker did not respond.

12. TFO Doyle then asked Barker if he was carrying any illegal narcotics, weapons or large amounts of United States currency. Barker stated, “No.” In response to TFO Doyle’s request, Barker consented to a search of his person and fanny-pack.

13. Upon searching Barker and his fanny-pack, TFO Doyle located a large amount of United States currency secured by a rubber band. TFO Doyle asked Barker how much currency he was carrying. Barker stated that he did not know.

14. TFO Doyle also found that Barker was carrying eight cellular telephones of varying brands and values: four Apple phones, two Motorola phones, an LG phone, and a ZTE TracFone phone. TFO Doyle asked Barker why he had all of the cellular telephones. Barker stated that they were for work but provided no further information.

15. TFO Doyle then asked Barker what he did for work. Barker advised that he was a dump truck driver but refused to provide any specifics about his work or employment.

16. Based on his training and experience, TFO Doyle believed that the currency in Barker's possession was proceeds from illegal drug activity and advised Barker that the DEA would be administratively seizing the currency and cellular telephones.

17. While TFO Doyle spoke to Barker, TFO Melo spoke to Dixon who was traveling with Barker. Dixon was carrying a duffle bag. Although he denied carrying a large amount of United States currency, TFO Melo received consent to search Dixon's duffle bag and located a large amount of currency concealed within the clothing in the duffle bag. Dixon advised that he did not work. TFO Melo administratively seized the currency found in Dixon's possession.

18. The officers asked both Barker and Dixon to accompany them to the DEA's airport office to allow for a further investigation. Both Barker and Dixon declined, accepted DEA-12 custody receipts for the seized property, and left the airport without boarding their flight.

19. The officers returned to the DEA's airport office and requested assistance from Columbus Regional Airport Authority Police K-9 Officer Jenelle DiFolco ("Officer DiFolco") and certified narcotic detection K-9 "Daron" to conduct a K-9 sniff of the seized currency.

20. The currency seized from Barker was placed in a new United States Postal Service Priority Mail package (“USPS package”) and sealed. The narcotic detection K-9 sniff consisted of two separate K-9 sniffs as follows.

- a. Ten USPS packages were placed in a circle in the DEA office. Five packages were empty and five contained shredded, circulated and uncirculated currency. Officer DiFolco and K-9 Daron entered the area, and Officer DiFolco gave K-9 Daron the command to search. K-9 Daron sniffed all ten packages and did not show a change in behavior. Officer DiFolco and K-9 Daron then left the area.
- b. The DEA officers replaced one of the packages with the USPS package that contained the money from Barker. The location of the money was unknown to Officer DiFolco. Officer DiFolco and K-9 Daron returned to the area, and Officer DiFolco gave K-9 Daron the command to search. K-9 Daron entered the circle of packages and quickly sniffed them. Officer DiFolco noted that K-9 Daron showed a change of behavior on the second package that he sniffed by squaring off to the package and scratching it, indicating a positive alert for the odor of narcotics on the package. The DEA officers advised Officer DiFolco that it was the package containing the money seized from Barker.

21. An official count of the United States currency seized from Barker revealed that the currency totaled \$8,100.00 (the defendant):

Denomination	Quantity	Total
\$100	59	\$5,900.00
\$20	110	\$2,200.00
		\$8,100.00

22. The K-9 team conducted a similar narcotic K-9 detection sniff on the currency

seized from Dixon (\$5,081.00), which also resulted in a positive alert for the odor of narcotics. As of the filing of this complaint, Dixon has failed to file a timely claim with the DEA contesting the administrative forfeiture of the \$5,081.00.

23. On or about February 6, 2020, the DEA received a timely claim from Barker in the administrative proceedings, asserting an interest in the defendant. In support of his claim, Barker stated that the currency was “earned from jobs performed under [his] business name of J’Sons Construction, LLC.” Barker did not include any proof of income or work performed by his business.

24. A search of the Ohio Secretary of State’s Business Services public website revealed that at the time of seizure, Barker had two businesses registered with the Secretary of State: J’s Sons Construction, LLC and Real World Expediting, LLC.

25. On or about April 13, 2020, investigators received information from the Ohio Department of Taxation on Barker. Barker did not file personal income tax returns for the years of 2016 through 2018, or business tax returns for the years of 2017 through 2019. The department also advised that no business tax returns were filed by J’s Sons Construction, LLC for the years of 2017 through 2019, or for Real World Expediting, LLC for the years of 2017 through 2018.

26. A check of Barker’s criminal history revealed that in 2007, he was charged with federal narcotic and firearm violations in the Southern District of Ohio. *See United States v. Jai A. Barker*, Case No. 3:07-cr-193(1) (S.D. Ohio). On April 4, 2008, Barker was sentenced to one day of imprisonment on possession with intent to distribute heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) (Count One) and to sixty months of imprisonment on possession of a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A) (Count Three), to be served consecutively, and to three years

of supervised release. Barker also was ordered to forfeit his interest in a firearm, ammunition, and \$1,476.00 in United States currency.

27. Following additional incarceration related to his conviction on a federal criminal charge related to access device fraud (*see United States v. Jai A. Barker*, Case No. 3:13-cr-061(4) (S.D. Ohio)) and a violation of his supervised release in Case No. 3:07-cr-193(1), Barker was released from federal prison on or about December 2, 2016. According to the Probation Office for the United States District Court for the Southern District of Ohio, Barker was released from supervised release on or about December 1, 2019.

28. Based on the foregoing facts, the United States asserts that the defendant, \$8,100.00 in United States currency, represents property furnished or intended to be furnished in exchange for a controlled substance, represents proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of 21 U.S.C. § 841 or a conspiracy to commit such offense, in violation of 21 U.S.C. § 846. Therefore, the property is subject to forfeiture to the United States under 21 U.S.C. § 881(a)(6).

CLAIM FOR RELIEF

WHEREFORE, the plaintiff respectfully requests that:

- (a) pursuant to Rule G(3)(b)(i), Supplemental Rules, the Clerk issue a warrant of arrest *in rem*, directing the United States to arrest and seize the defendant and to retain the same in its custody subject to further order of the Court;
- (b) the Court, pursuant to Rule G(4), Supplemental Rules, direct the United States to give notice to all persons and entities having an interest in the defendant to assert, in conformity with the law, a statement of any interest they may have, including notice by publication on the official government website, www.forfeiture.gov, for 30 consecutive days;

- (c) the forfeiture of the defendant to the United States be confirmed, enforced, and ordered by the Court;
- (d) the Court thereafter order the United States to dispose of the defendant as provided by law; and
- (e) the Court award the United States all other relief to which it is entitled, including the costs of this action.

Respectfully submitted,

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VERIFICATION

I, Eric M. Doyle, hereby verify and declare under the penalty of perjury that I am a Task Force Officer with the Drug Enforcement Administration, that I have read the foregoing Verified Complaint for Forfeiture and know the contents thereof, and that the matters contained in the complaint are true to my own knowledge, except those matters stated to be alleged on information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, and my investigation of this case.

I hereby verify and declare under the penalty of perjury that the foregoing is true and correct.

5/6/2020

Date



ERIC M. DOYLE, Task Force Officer
Drug Enforcement Administration

